

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION

In re: STEVEN FRANCIS CARR)	
<u>Debtor(s)</u>)	
)	CHAPTER 13
SANTANDER CONSUMER USA INC.)	
dba CHRYSLER CAPITAL AS SERVICER)	
FOR CCAP AUTO LEASE LTD.)	Case No.: 24-11866 (AMC)
<u>Moving Party</u>)	
)	
v.)	Hearing Date: 9-18-24 at 10:00 AM
)	
STEVEN FRANCIS CARR)	11 U.S.C. 362
MELANIE RICCOBONO)	
<u>Respondent(s)</u>)	11 U.S.C. 1301
)	
SCOTT F. WATERMAN)	
<u>Trustee</u>)	

MOTION FOR RELIEF FROM THE AUTOMATIC STAY AND CO-DEBTOR STAY

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Comes now Santander Consumer USA Inc. dba Chrysler Capital as servicer for CCAP Auto Lease Ltd. ("Chrysler Capital") filing this its Motion For Relief From The Automatic Stay And Co-Debtor Stay ("Motion"), and in support thereof, would respectfully show:

1. On May 31, 2024, Steven Francis Carr filed a voluntary petition under Chapter 13 of the Bankruptcy Code.
2. This Court has jurisdiction of the Motion by virtue of 11 U.S.C. 105, 361, 362 and 1301, and 28 U.S.C. 157 and 1334.
3. On August 9, 2021, the Debtor(s) and co-debtor Melanie Riccobono executed a Motor Vehicle Lease Agreement for the lease of a 2021 Dodge Durango bearing vehicle identification number 1C4SDJCT8MC725116. The lease was assigned to CCAP Auto Lease Ltd. and the Debtor became indebted to CCAP in accordance with the terms of same. CCAP Auto Lease Ltd. is the owner of the vehicle. True copies of the lease agreement and title to the vehicle are

annexed hereto as exhibits A and B. Santander Consumer USA Inc, doing business as Chrysler Capital acts as servicer for CCAP Auto Lease Ltd.

4. The Lease matured on August 9, 2024.

5. The Debtors surrendered the vehicle on August 6, 2024.

6. Santander Consumer USA Inc. dba Chrysler Capital as servicer for CCAP Auto Lease Ltd. alleges that the automatic stay should be lifted for cause under 11 U.S.C. 362(d)(1) in that Santander lacks adequate protection of its interest in the vehicle as evidenced by the following:

(a) Chrysler Capital has possession of the vehicle and requires stay relief and co-debtor relief in order to process and sell the vehicle.

(b) The lease matured.

WHEREFORE PREMISES CONSIDERED, Santander Consumer USA Inc. dba Chrysler Capital as servicer for CCAP Auto Lease Ltd. respectfully requests that upon final hearing of this Motion, (1) the automatic stay will be terminated as to Chrysler Capital to permit Chrysler Capital to seek its statutory and other available remedies; (2) that the co-debtor stay will be terminated as to Chrysler Capital to permit Chrysler Capital to seek its statutory and other available remedies; (3) that the stay and co-debtor stay terminate upon entry of this Order pursuant to the authority granted by Fed.R.Bank.P., Rule 4001(a)(3) and (4) Chrysler Capital be granted such other and further relief as is just.

Respectfully submitted,

/s/ William E. Craig

William E. Craig

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Local Counsel for Santander Consumer USA Inc.

dba Chrysler Capital as servicer for CCAP Auto Lease Ltd.